

Case No. 1:15-CV-888
Gwin, J.

In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record and the parties' briefing in this case, this Court agrees with the conclusions of Magistrate Judge Knepp.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Knepp's Report and Recommendation and incorporates it fully herein by reference. The Court **DISMISSES WITH PREJUDICE** Banks' petition. Moreover, the Court certifies that an appeal from this decision could not be taken in good faith and that no basis exists upon which to issue a certificate of appealability under [28 U.S.C. § 1915\(a\)\(3\)](#).^{8/}

IT IS SO ORDERED.

Dated: November 4, 2015

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{8/}[28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).